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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ORR, HENRY W	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
03/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/768,432	HUNLETH ET AL.	
	Examiner	Art Unit	
	Henry Orr	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,10,13-21,23-30,32,33 and 47-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5,10,13-21,23-30,32,33 and 47-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/7/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/26/2007 has been entered.

DETAILED ACTION

1. This action is responsive to applicant's amendment dated 12/26/2007.
2. Claims 1, 4, 5, 10, 13-21, 23-30, 32, 33 and 47-54 are pending in the case.
3. Claims 2-3, 6-9, 11-12, 22, 31 and 34-46 are cancelled.
4. Claims 47-54 are newly added.
5. Claims 1, 10 and 21 are independent claims.

Applicant's Response

6. In Applicant's response dated 12/26/2007, applicant has amended the following:

   a) Independent claims 1, 10 and 21

Information Disclosure Statement

7. The information disclosure statement (IDS) submitted on 3/7/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1, 4, 5, 10, 13-21, 23-27, 29-30, 32, 33 and 47-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daily et al. (hereinafter "Daily"), U.S. Publication Application No. 2004/0123320 A1, in view of Duarte, U.S. Patent No. 7,093,201 B2 in further view of Twerdahl et al. (hereinafter "Twerdahl"), U.S. Publication Application No. 2004/0221243 A1, which claims priority to provisional application No. 60/467,164, filed on Apr. 30, 2003.

Claim 1:

Daily's Figure 1A **illustrates a control framework for organizing for organizing, selecting and launching means for organizing said media items which are represented by different images at a current semantic level** (see par. 39, Figure 1A).

Daily teaches **means for pointing to one of said media items represented by a respective one of said different images** (see par. 48).

Daily teaches **wherein said means for pointing to one of said media items includes a three dimensional (3D) pointer and which generates a cursor on a display screen, a position of said cursor being based on movement of said 3D pointer** (see par. 48, par. 59). Examiner interprets the gesture devices to anticipate 3D pointers because the bodily gesture movement used to point the input device encompasses three or more dimensions in air in front of the television display screen (see par. 48). The preliminary selection being performed by moving a cursor over a particular icon by a gesture device is interpreted to anticipate a cursor on a display screen, a position of said cursor being based on movement of said 3D pointer because the gesture device can control a cursor over a particular icon to make a preliminary selection (see par. 59).

Daily teaches **means for selecting said one of said media items for display at a different semantic level;** (see par. 40-42, par. 48). Examiner interprets the wireless remote controls as the means for selecting one of a plurality of different semantic levels associated with the media sources ("media items").

Daily fails to expressly teach a means for transitioning as recited in claim 1.

However, Duarte teaches **means for the transitioning from the current semantic level at which said one of said media items is displayed to said different semantic level by simultaneously changing a size of said respective one of said**

different images and translating said respective one of said different images from a first location at said current semantic level to a second location at said different semantic level (see col. 8 lines 24-45, Figure 11). Examiner interprets the highlighting of the media icons to make the media icons stand out from other media icons not selected to be an example of changing a size as illustrated in Figure 11.

Duarte fails to expressly teach means for transitioning from the current semantic level, at which one of said one of said media items is displayed together **with other media items of said media items,** to said different semantic level, **at which said one of said media items is displayed without said other media items of said media items**.

However, Twerdahl teaches **means for transitioning from the current semantic level, at which one of said one of said media items is displayed together with other media items of said media items, to said different semantic level, at which said one of said media items is displayed without said other media items of said media items** (see abstract, par. 19-20, Figures 2 and 3).

Examiner interprets Twerdahl's Figures 2 and 3 to illustrate transitioning from the current semantic level (e.g. Figure 2) to said different semantic level (e.g. Figure 3), in which a selected menu item (i.e. said one of said media item) is displayed together with other menu items, at which the one selected menu item from Figure 2 is displayed **without the other menu items from the current semantic level** as shown in Figure 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the interactive guide providing optional support for a preliminary selection as taught by Daily with the curved-listing file ("media") hierarchy/preview area capable of transitioning to different semantic level while simultaneously changing the size of images representing media items as taught by Duarte and to modify the transitioning as taught by Daily in view of Duarte with the transitioning technique of the radial menu as taught by Twerdahl to provide the benefit of viewing more information based on the curved hierarchy structure (see Daurte; col. 8 lines 39-42) and providing a compact menu format optimized for electronic devices with smaller screens (see Twerdahl; par. 8-9). **(claim 1; i.e., means for transitioning from the current semantic level, at which one of said one of said media items is displayed together with other media items of said media items, to said different semantic level, at which said one of said media items is displayed without said other media items of said media items, by simultaneously changing a size of said respective one of said different images and translating said respective one of said different images from a first location at said current semantic level to a second location at said different semantic level)**

Claim 4:

Daily teaches *"gesture recognition devices for recognizing input from a user in the form of a bodily movement, and microphones coupled with voice recognition*

processors" (see par. 48). **(claim 4; i.e., wherein said means for pointing to one of said media item includes a voice recognition unit.)**

Claim 5:

Daily teaches *"gesture recognition devices for recognizing input from a user in the form of a bodily movement, and microphones coupled with voice recognition processors"* (see par. 48). **(claim 5; i.e., wherein said means for pointing to one of said media items includes a gesture recognition unit.)**

Claim 10:

Daily's Figure 1A illustrates **a control framework comprising: a display screen for displaying graphical user interface objects at a current semantic level** (see par. 39, Figure 1A).

Daily teaches **an input device for providing user input to a graphical user interface, wherein said input device includes a 3D pointer which generates a cursor on said display screen, a position of said cursor being based on movement of said 3D pointer** (see par. 48, par. 59).

Daily teaches **said graphical user interface for coordinating display of said graphical user interface objects on said display screen, said graphical user interface including: means for detecting when a position indicated on the screen by said input device is stationary for a predetermined period of time and to**

display additional images and/or text on the screen in response thereto (see par. 59, Figure 1A).

Daily teaches **a means for detecting (par. 50, par. 59), a means for zooming (par. 54-55), a means for selecting (par. 57), a means for moving a selection target (par. 56), and a means for initiating an action (par. 59)** as cited in the limitations of claim 10. **(claim 10; i.e., means for zooming from one image scope corresponding to one of said graphical user interface objects to another image scope based on first input from said input device; means for selecting said one of said graphical user interface objects based on second input from said input device; means for moving a selection target through a list of screen positions based on third input from said input device; means for initiating an action in said graphical user interface framework based on said indicated position and fourth input from said input device)**

Daily fails to expressly teach a means for transitioning as recited in claim 10.

The means for transitioning limitations as recited in claim 10 are substantially encompassed in the means for transitioning limitations as recited in claim 1. Therefore, Examiner rejects the means for transitioning limitations as recited in claim 10 under the same rationale given for claim 1 above.

Claim 13:

Daily teaches *"a touchpad 408 that allows a user to control"* (see par. 49). **(claim 13; i.e., wherein the input device includes a touchpad)**.

Claim 14:

Daily teaches *"a television remote control 410"* (see par. 14). **(claim 14; i.e., wherein the input device includes a television remote control device)**.

Claim 15:

Daily teaches *"gesture may be used to perform the pre-selection"* (see par. 59). **(claim 15; i.e., wherein at least one of said first, second, third and forth inputs is a gesture)**

Claim 16:

Daily teaches *"gesture recognition devices for recognizing input from a user in the form of a bodily movement, and microphones coupled with voice recognition processors"* (see par. 48). **(claim 16; i.e., wherein at least one of said first, second, third and forth inputs is a voice input)**

Claim 17:

Daily teaches *"touch pad, the user may control the level of zooming by moving their fingers across the touch pad"* (see par. 54). **(claim 17; i.e., wherein the means for moving a selection target includes a touchpad and said third input is a**

movement on said touchpad.) Examiner interprets the touchpad to be capable of selecting a target (see par. 57).

Claim 18:

Daily teaches *"Preliminary selection can provide a user with a preview of the media content, and can be performed, for example, by moving a cursor over a particular icon or by an explicit pre-selection command, for example, a specific button, vocal command, or gesture may be used to perform the pre-selection"* (see par. 59). **(claim 18; i.e., wherein said means for displaying additional images and/or text further comprises means for receiving a gesture input associated with a hover function.)** Examiner interprets moving a cursor over a particular icon as the hover function.

Claim 19:

Daily teaches *"The speech recognition component can use standard speech recognition technologies to incorporate a dynamic, customizable language and grammar to allow a user to provide spoken commands to the interactive guide. Preferably, simple and easy-to-use phrases such as "go back", "pick", "zoom view", "pan screen" may be used"* (see par. 42). **(claim 19; i.e., wherein said first input of said means for zooming is one of a gesture or a speech command.)** Examiner interprets the phrase "zoom view" to be a speech input command.

Claim 20:

Daily teaches *"a television to generate the display"* (see par. 49). **(claim 20; i.e., wherein the display screen is a television.)**

Claim 21:

Daily's Figure 4 illustrates **a media system comprising: a television having a display screen** (see Figure 4).

Daily teaches **a 3D pointing device for providing input to said television, said input based, at least in part, on movement of said 3D pointing device which generates a cursor on said display screen, a position of said cursor being based on said movement of said 3D pointing device** (see par. 48, par. 59).

Daily's Figures 3 and 4 illustrates **a system controller for receiving said input and controlling media content displayed on said display screen based on said input, wherein said system controller includes a memory for storing software code associated with primitives for controlling said media content display, and wherein: a first one of said primitives is a scroll primitive, such that said controller scrolls media content displayed on said display screen of said television responsive to a first input from said pointing device; and a second one of said primitives is a hover primitive, such that said system controller alters a display of said media content displayed on said display screen of said television when said cursor hovers over a portion of said display screen for a predetermined period of time** (see par. 59, Figures 3 and 4). Examiner interprets the

television and mouse with a scroll wheel capable of performing the scroll primitive as cited in claim 21.

Daily fails to expressly teach a means for transitioning as recited in claim 21.

The means for transitioning limitations as recited in claim 21 are substantially encompassed in the means for transitioning limitations as recited in claim 1. Therefore, Examiner rejects the means for transitioning limitations as recited in claim 21 under the same rationale given for claim 1 above.

Claim 23:

Daily teaches *"The navigation interface supports various gesturing devices with many buttons (or none) including wireless or corded mice, wireless pointers, and other devices that otherwise simulate two or three button mice"* (see par. 42). **(claim 23; i.e., wherein said 3D pointing device has at least one button and wherein one of said primitives is a click primitive which indicates actuation of said at least one button.)** Examiner interprets the gesturing device as a 3D pointing device.

Claim 24:

Daily's Figure 4 illustrates a mouse with a scroll wheel (see Figure 4, ref. # 418.) **(claim 24; i.e., wherein said 3D pointing device includes a scroll wheel.)** Examiner considers mice with three buttons or two buttons with scroll wheel as 3D pointing devices.

Claims 25-27:

Daily teaches *"If a zoom-in command is received, the display is adjusted to show more detail 706"* (see par. 54). **(claim 25; i.e., wherein said system controller alters said display of said media content by magnifying media content associated with said portion of said display screen.) (claim 26; i.e., wherein a third one of said primitives is a zoom primitive, such that said system controller changes a magnification of said media content displayed on said display screen of said television based on a second input from said 3D pointing device.) (claim 27; i.e., wherein said change in said magnification includes changing from a first magnification level to a second magnification level, wherein information is visible at said second magnification level that was not visible or appropriate at said first magnification level.)** Examiner interprets zooming in more detail as equivalent to magnifying detail on the second zoom level that wasn't visible on the first zoom level.

Claim 29:

Daily teaches *"touchpad-based remote control 406 which provides the user with a set of buttons as well as a touchpad 408"* (see par. 49). **(claim 29; i.e., wherein the 3D pointing device includes a touchpad.)** Examiner interprets the touchpad-based remote control as anticipating the 3D point device including a touch pad because the gesturing device contains buttons to serve as a remote control. Therefore, the

touchpad-based remote control would clearly anticipate including a touchpad to the gesturing device ("3D point device") remote control as recited in claim 29.

Claim 30:

Daily teaches *"Navigation control may be provided by several possible means, preferably through the use of a traditional remote control. The user may use various combinations of buttons and gestures or spoken language to signify a desired command, depending on the device used for user input. The navigation interface supports various gesturing devices with many buttons (or none) including wireless or corded mice, wireless pointers"* (see par. 42). **(claim 30; i.e., wherein the 3D pointing device includes a television remote control device.)** Examiner interprets the gesturing devices ("3D pointing device") as capable of being used as a traditional remote control because the gesturing devices contain buttons for signifying commands to the television.

Claim 32:

Daily teaches *"The speech recognition component can use standard speech recognition technologies to incorporate a dynamic, customizable language and grammar to allow a user to provide spoken commands to the interactive guide. Preferably, simple and easy-to-use phrases such as "go back", "pick", "zoom view", "pan screen" may be used"* (see par. 42). **(claim 32; i.e., wherein at least one of said scroll primitive and said hover primitive are actuated in response to a speech**

command.) Examiner interprets the phrase “pan screen” as a speech command to actuate the scroll primitive.

Claim 33:

Daily teaches *“By allowing the use of pointing and speaking, a user could, for example, simply move the cursor over media and say, "play this" or "take me there"* (see par. 43). **(claim 33; i.e., wherein at least one of said scroll primitive and said hover primitive are actuated in response to a gesture)** Examiner interprets the user moving the cursor over the media as a gesture that actuate the hover primitive.

Claim 47:

Daily fails to expressly teach wherein said first location of said respective one of said different images is different relative to said displaying screen from said displaying screen from said second location.

However, Duarte teaches **wherein said first location of said respective one of said different images is different relative to said displaying screen from said displaying screen from said second location** (see col. 8 lines 24-45, Figure 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the interactive guide providing optional support for a preliminary selection as taught by Daily with the curved-listing file (“media”) hierarchy/preview area capable of performing the limitations of claim 47 as taught by

Duarte to provide the benefit of viewing more information based on the curved hierarchy structure (see Daurte col. 8 lines 39-42).

Claim 48:

Daily fails to expressly teach wherein said means for transitioning is configured to display said respective one of said different images while being translated and changed in size.

However, Duarte teaches **wherein said means for transitioning is configured to display said respective one of said different images while being translated and changed in size** (see col. 8 lines 24-45, Figure 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the interactive guide providing optional support for a preliminary selection as taught by Daily with the curved-listing file ("media") hierarchy/preview area capable of performing the limitations of claim 48 as taught by Duarte to provide the benefit of viewing more information based on the curved hierarchy structure (see Daurte col. 8 lines 39-42).

Claims 49 and 50:

Claims 49 and 50 are substantially encompassed in claims 47 and 48 respectively; therefore claims 49 and 50 are rejected under the same rationale as claims 47 and 48 above.

Claims 51 and 52:

Claims 51 and 52 are substantially encompassed in claims 47 and 48 respectively; therefore claims 51 and 52 are rejected under the same rationale as claims 47 and 48 above.

Claims 53 and 54:

Claims 53 and 54 are substantially encompassed in claim 1; therefore claims 53 and 54 are rejected under the same rationale as claim 1 above.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daily in view of Duarte, in further view of Twerdahl as cited above, in further view of Butler, U.S. Patent No. 6,154,199.

Claim 28:

Daily, Duarte, and Twerdahl fail to expressly teach a 3D pointing device including a trackball.

However, Butler teaches *"a hand positioned mouse and more particularly to a glove like article having a tracking ball positioned to be operated by the thumb with switch functions or buttons positioned on the palm of the hand"* (see col. 2 lines 31-35). **(claim 28; i.e., wherein the 3D pointing device includes a trackball.)** Examiner interprets the hand positioned mouse as a 3D pointing device because the movement of

the hand in three or more dimensions can be translated to control a cursor (Butler; col. 1 lines 42-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gesture device ("3D pointing device") as taught by Daily to include a track ball as taught by Butler to provide the benefit of saving time and producing efficient means of simultaneous cursor control and typing (see Butler; col. 1 lines 42-50).

Response to Arguments

11. Applicant's arguments with respect to independent claims 1, 10 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/20/2008
HO

/Rachna Singh/
Rachna Singh
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